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**UNITED STATES BANKRUPTCY COURT
IN THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: John B. Sapp, Jr.

§ **Case No. 21-41689-mxm13**
§ **(Chapter 13)**

**Carvana, LLC, their successors and/or
assigns, Creditor**

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§
§

vs.

**John B. Sapp, Jr., Debtor and Pam Bassel,
Trustee,
Respondents**

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§

OBJECTION TO CONFIRMATION BY CARVANA, LLC

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Carvana, LLC (hereinafter Creditor), a secured creditor herein, and pursuant to 11 U.S.C. §§ 1322(b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files this, its Objection to Debtor(s) proposed Chapter 13 Plan (hereinafter Plan), and in support thereof would respectfully show the Court as follows:

I. BACKGROUND

1. John B. Sapp, Jr., the Debtor(s) (hereinafter Debtor), commenced the above captioned Chapter 13 case on 07/15/2021. Pam Bassel is the duly appointed and acting Chapter 13 Trustee.

2. Creditor has a perfected purchase money security interest in a 2017 Nissan Maxima, VIN# 1N4AA6AP7HC363203.

3. The total secured claim due and owing to Creditor as of the Petition Date was \$23,125.00 as evidenced by Creditor's secured proof of claim 4-1 (hereinafter Proof of Claim) on file in this case.

II. OBJECTION TO PROPOSED PLAN

4. Creditor objects to confirmation of the Plan because the Plan understates the value of the vehicle. Debtor(s) Plan incorrectly states that the value is \$18,500.00, when Creditor shows the NADA clean retail value to be \$23,125.00. Creditor also objects because it is also entitled to set and equal monthly payments pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(I), beginning as of the effective date of the Chapter 13 Plan. “Average” payments, “pro-rata” payments, variable payments and/or step payments that begin in any month other than month one contravenes 11 U.S.C. §1325(a)(5)(B)(iii)(I) which requires equal and set monthly payments to the Creditor beginning in month one of the Chapter 13 Plan, which is defined as the first month payment is due to the Trustee pursuant to 11 U.S.C. §1326(a)(1).

5. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys’ fees.

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan proposed by the Debtor(s), award attorneys’ fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully submitted,

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By: /s/ Stephen Wu
Stephen Wu (Bar No. 24042396)

Michael W. Zientz (Bar No. 24003232)
Jessica L. Holt (Bar No. 24078680)
Stephen Wu (Bar No. 24042396)
Chelsea Schneider (Bar No. 24079820)

ATTORNEY FOR CREDITOR

Certificate of Conference and Certificate of Service

The undersigned hereby certifies that on August 20, 2021 Creditor's Counsel attempted at least once to contact Debtor's Counsel by e-mail regarding the Objection and did not receive a response by the same time on the 2nd business day after such communication. Furthermore, I hereby certify that a copy of this objection was served on the persons listed below in the manner indicated on August 25, 2021.

By: /s/ Stephen Wu

Michael W. Zientz (Bar No. 24003232)
Jessica L. Holt (Bar No. 24078680)
Stephen Wu (Bar No. 24042396)
Chelsea Schneider (Bar No. 24079820)
Movant's Counsel

Via Pre-Paid U.S. Mail:
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Via ECF:
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